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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.731 OF 2005
IN
SUMMARY SUIT NO.1092 OF 2004

Hutchison Max Telecom Pvt. Ltd.).. Plaintiffs

Versus

Shivaji Datta and another).. Defendants

Ms.Rekha Tawade i/b.M/s.M.V. Kini & Co. for the Plaintiffs.

None present for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 24TH APRIL 2006

P.C.:

. This Summons for Judgement has been taken out for recovery of an amount of Rs.58,695,72. The Plaintiffs are engaged in the business of providing a cellular mobile telephone services in Mumbai. Defendant No.1 availed of these facilities. An undertaking was submitted by Defendant No.1 authorising his employer, Defendant No.2 to deduct the dues payable from his salary and remit the same to the Plaintiffs. It appears that Defendant No.1 has not paid the outstanding amount of Rs.58,695.72. The amount has not been deducted from the salary of Defendant No.1 despite the Plaintiffs' letters to both the Defendants.

2. Although, appearance has been filed on behalf of

the Defendants, there is no reply to the Summons for Judgment nor is anybody present on behalf of the Defendants. Summons for Judgment has been served on the Defendants and an affidavit to that effect is filed on record.

3. However, with a view to give the Defendant an opportunity to defend the Suit, conditional leave granted to the Defendants on the Defendants depositing a sum of Rs.58,695.72 within four weeks from today, failing which the Plaintiffs will be entitled to a decree.

4. If the Defendants deposit the amount as aforesaid, the Prothonotary & Senior Master to invest the same in a Fixed Deposit of a Nationalised Bank initially for a period of three years, to be renewed thereafter till the pendency of the Suit. The Suit shall then be transferred to the list of Commercial Causes.